

Drones Over Gatwick

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Some initial thoughts about the drones over Gatwick airport and the pilots who so thoughtlessly disrupted the journeys of hundreds of thousands.

The search for the drone pilots who flew over Gatwick airport was painstaking and old fashioned, waiting on movement, and relying upon line of sight and presumably the radar equipment at Air Traffic Control. The police's job is all the harder because a system is not yet in place for the compulsory registration and digital tagging of drones and to whom they are used. This comes into place in 2019. Drone detection equipment is available but it is not so sophisticated to make the job much easier. Ultimately pinpointing the location of the pilot – up to 1 kilometre away in any direction – will come down to approximate triangulation of the communications signal between remote control and drone, and literally looking for the most likely location.

Beyond this one the extent to which one can disable or limit the control of the drone, but this is a futuristic ambition. Geo-fencing is intended to build into software programs that drones use the global positioning system of physical / geographical boundaries. In this way, we will “map the skies” in the same way as Ordnance Survey has charted the ground, and theoretically prevent drones crossing a “fence” it does not have the digital permissions for.

That is all well and good, but if your drone is not on the grid in the first place – by not registering – and if you can circumvent the permission process – then the landowner's geo-fence is as useful as a “no trespassing” sign.

Whatever the motivation of the pilots in the present case the problems with drones and aerodromes and aircraft are now manifest, but they have always been more than theoretical.

If small recreational drones are used then the broad assumption by industry would be that its use was uninformed and untrained; reckless in not giving thought was given to the dangers. It somehow seems worse still if “commercial” drones were used because that means that someone reasonably skilled in drone aviation has acted deliberately knowing of the likely consequences.

Now that alleged culprits have been arrested, attention has turned to what law they have broken. It has been reported that they have been arrested for the “criminal use of drones” - whatever that may mean because it is not something ever charged before.

Most legislation to date regulating aviation is concerned with regulation of aircraft, equipment, operators and pilots, etc. There are some offences in relation to passengers on aircraft (e.g. drunkenness). Drone ‘legislation’ is – in contrast to what has happened at Gatwick – surprisingly pedestrian, if not quaint.

Regulation is manifestly concerned with “commercial” or “recreational” use. Flying in airspace one is not permitted to – or within 1km or 5km of an aerodrome depending upon how you read the Air Navigation Order – is only unlawful. Criminal trespass is debatably unlikely if a drone does not land on the airfield. There is the offence of endangering person or property, which can be dealt with at the Magistrates’ or Crown Courts, punishable by a fine or imprisonment not exceeding two years or both.